

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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KATHRYN LONG,

Plaintiff,

VS.

**TORRES CREDIT SERVICES, INC. and
RADIUS SOLUTIONS, INC..**

Defendants.

2:13-cv-01531-APG-VCE

ORDER

Before the Court is Plaintiff Kathryn Long (hereafter “Long”) and Defendant Torres Credit Services, Inc.’s (hereafter “Torres”) Discovery Plan and Scheduling Order (#18).

Background:

On January 14, 2014, Plaintiff Long and Defendant Torres filed a Discovery Plan and Proposed Scheduling Orders (#18) proposing alternative discovery plans.

The Court scheduled a discovery hearing at 11:00 a.m., February 4, 2014. (#20). On January 31, 2014, Defendant Radius Solutions, Inc. (hereafter “Radius”) filed its Answer to the Amended Complaint. (#23). On February 4, 2014, the Court held a discovery hearing. David Krieger, Esq. and Danny Horen, Esq. appeared on behalf of Plaintiff Long. Sean Forbush, Esq. and Keith Yeomans, Esq. (telephonically) appeared on behalf of Defendant Torres. James Barrington, Esq. appeared on behalf of Defendant Radius. The Court heard representations from the parties regarding discovery and certification issues.

Analysis:

Pursuant to Fed. R. Civ. P. 23(c)(1)(A), “[a]t an early practicable time after a person sues or is sued as a class representative, the court must determine by order whether to certify the action as a class action.”

The Court raises concerns regarding issues of class certification that Judge Gordon will need to address. The Court and the parties discuss class certification issues and whether any discovery needs to be done. The parties agreed to the following, as stated below.

Accordingly,

IT IS ORDERED that the deadline for filing the Motion for Class Certification is **June 13, 2014**.

IT IS FURTHER ORDERED that the class certification discovery will be limited to (1) consent, (2) what systems Radius used to dial phone numbers to contact Torres Credit Services, Inc.'s customers during the relevant period; and, (3) Ms. Long's suitability as a class representative.

IT IS FURTHER ORDERED that following class certification discovery deadlines apply:

A. Initial disclosures related to class certification will be served by **February 18, 2014**.

B. Class Certification Discovery Cut-Off Date:

Class Certification Discovery must be completed on or before **May 16, 2014**.

C. Amended Pleadings and Adding Parties:

Motions to amend or add parties shall be filed and served on or before **February 18, 2014** (February 15, 2014 is a Saturday and February 17, 2014 is a holiday; thus, February 18, 2014 is the first judicial day following a Saturday and a holiday.) which is **90 days before class certification discovery cut-off.**

D. Disclosure of Experts:

Expert disclosures relevant to class certification must be made on or before **March 17, 2014** which is **60 days before class certification discovery cut-off**. Rebuttal expert disclosures must be

made on or before **April 14, 2014** (April 13, 2014 falls on a Sunday, April 14, 2014 is the following judicial day) which is **30 days after Expert disclosures**.

E. Later Appearing Parties:

A copy of this class certification discovery plan must be served on any person after it is entered or, in the alternative, if an additional defendant should appear, within five (5) days of their first appearance. This class certification discovery plan will apply to such later-appearing parties, unless the Court, on motion and for good cause shown orders otherwise.

Within twenty-one (21) days of the entry of order deciding the Motion for Class Certification, the parties must meet and file a Discovery Plan and Scheduling Order outlining any remaining discovery.

IT IS FURTHER ORDERED that a status report must be filed no later than **November 14, 2014**.

IT IS FURTHER ORDERED that a status check is scheduled for **10:00 a.m., November 21, 2014**, in Courtroom 3D.

IT IS FURTHER ORDERED that the parties must preserve all documents, physical and electronic, relevant to the subject matter of this action.

IT IS SO ORDERED.

DATED this 5th day of February, 2014.

Carl Gaddis

CAM FERENBACH
UNITED STATES MAGISTRATE JUDGE